

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAURENCIO MARTINEZ QUINTERO,

Petitioner,

v.

TAMMY FOSS,

Respondent.

No. 2:20-cv-0200-TLN-CKD-P

ORDER

Petitioner is a state prisoner proceeding pro se with a third amended habeas corpus petition filed pursuant to 28 U.S.C. § 2254. On October 4, 2024, respondent filed a motion to dismiss the unexhausted claims for relief in the third amended petition. ECF No. 56. Petitioner has not opposed respondent's motion but has filed a motion to compel. ECF No. 59. As far as the court understands the motion to compel, petitioner seeks a response to his third amended habeas application. In light of respondent's pending motion to dismiss, petitioner's motion to compel is denied as moot. The court will sua sponte grant petitioner an extension of time to file an opposition to the pending motion to dismiss.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motion to compel (ECF No. 59) is denied as moot.
2. Petitioner is sua sponte granted an extension of time to file an opposition to respondent's motion to dismiss.

1           3. Within 21 days from the date of this order, petitioner shall file an opposition or  
2 statement of non-opposition to the pending motion to dismiss.

3           4. Petitioner is advised that his failure to comply with this order may be construed by the  
4 court as non-opposition to the motion to dismiss the unexhausted claims for relief in his third  
5 amended § 2254 petition. See Local Rule 230(c).

6 Dated: November 6, 2024

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8 CAROLYN K. DELANEY  
9 UNITED STATES MAGISTRATE JUDGE  
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